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September 29, 2022

Hon. Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

By Electronic Filing.

Re: In Re: New York City Policing During Summer 2020 Demonstrations,
20-cv-8924 (CM)(GWG) - This filing is related to Hernandez, 21-cv-7406 and Minett,
21-cv-8161, and filed on all dockets.¹

Dear Judge McMahon:

As the Court likely recalls, my firm and co-counsel represent the Plaintiffs in *Hernandez, et al. v. City of New York, et al.*, and *Minett v. City of New York, et al.*, which were consolidated into the *In Re: New York City Policing During Summer 2020 Demonstrations*, 20-cv-8924 (CM)(GWG) docket for discovery purposes. As the Court may also recall, on July 20, 2022, the *Hernandez* Plaintiffs accepted a Rule 68 offer (Dkt. No. 30), and the Court has entered judgment pursuant to that offer (Dkt. No. 32). The Court also granted an extension of the time set under the rules for Plaintiffs to apply for — or attempt to negotiate in lieu of litigation — attorneys' fees under that offer. *See* Dkt. Nos. 33-34. Similar events took place in *Minett*. *See* Dkt. Nos. 26-29 (current motion due Oct. 3). This letter asks the Court to grant an additional extension until December 9th, 2022, with the understanding that Plaintiffs will make a demand and provide Defendants with timesheets and other relevant records by October 18, 2022, and the parties will attempt to negotiate from there so as to avoid unnecessary litigation. With the condition that we provide a demand by that date, Defendants consent to this application.

By way of brief background, our relatively small firm is also acting as counsel for the *Sow* case on the consolidated docket — and deeply involved in the ongoing mediation, which has been running essentially daily for the bulk of the day. All that remains in this case is the amount of attorneys' fees, and we have prioritized things that must take place in the short future — both the mediation itself, and the pending discovery issues given the rocket docket pace in the event there are any issues left unresolved after the current stay. We therefore have simply not had the time to (among other things) assemble a settlement demand package and — given the overlap between this case and *Sow* — ensure (1) there is no inappropriate double billing and (2) there is nothing privileged in the many hours of time records that could impact the unresolved portions of the consolidated litigation. Nor, relative to other matters that must be concluded by a fixed date, does the amount of fees the City owes our firm

¹ The ECF system, because *Hernandez* and *Minett* are marked closed, no longer allows spreading entries to those dockets. In an abundance of caution, I have filed this letter in all three places.



have any particular need to be resolved immediately (and ultimately, the only issues it causes are all our own — since delay in payment only harms us).

Given all of that, we ask the Court to grant an extension of the time until December 9th, 2022, to file our fee applications in both *Minett* and *Hernandez* pursuant to the relevant Rule 68 offers, and Defendants ask that the Court direct us to make a demand by October 18, 2022 (which we have no objection to).

As always, we thank the Court for its continued time and attention.

Respectfully submitted,

/s/

J. Remy Green

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COHEN&GREEN P.L.L.C.

Attorneys for Hernandez Plaintiffs

1639 Centre St., Suite 216

Ridgewood, New York 11385

cc:

All relevant parties by electronic filing.